

2013 DRAFTING REQUEST

Bill

Received: **12/12/2013** Received By: **mgallagh**
Wanted: **As time permits** Same as LRB: **-3340**
For: **Frank Lasee (608) 266-3512** By/Representing: **Rob K.**
May Contact: Drafter: **mgallagh**
Subject: **Occupational Reg. - prof lic** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Lasee@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Acupuncture certificate for chiropractors

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mgallagh 1/10/2014	evinz 1/10/2014	jfrantze 12/12/2013	_____	sbasford 12/12/2013	sbasford 12/12/2013	State
/2	mgallagh 1/28/2014	evinz 1/28/2014	jmurphy 1/10/2014	_____	srose 1/10/2014	srose 1/10/2014	State
/3			jmurphy 1/28/2014	_____	srose 1/28/2014	srose 1/28/2014	State

FE Sent For:



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/2	mgallagh 1/28/2014	evinz 1/28/2014	jmurphy 1/10/2014	_____	srose 1/10/2014	srose 1/10/2014	State
/3			jmurphy 1/28/2014	_____	srose 1/28/2014		State

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/1	mgallagh 1/10/2014	evinz 1/10/2014	jfrantze 12/12/2013	_____	sbasford 12/12/2013	sbasford 12/12/2013	State
/2			jmurphy 1/10/2014	_____	srose 1/10/2014	srose 1/10/2014	State
FE Sent For:		1/3 eev 1/28/14	1/3 eev 1/28/14	DM 1/28/14			

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FE Sent For:		12 eeV 1/10/14	12 eeV 1/10/14 <END>	self jfr			

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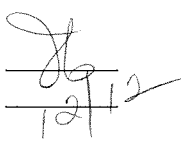
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/1	mgallagh	11/22/13					State

FE Sent For:

<END>

Gallagher, Michael

From: LRB.Legal
Sent: Thursday, December 12, 2013 10:36 AM
To: Gallagher, Michael
Subject: FW: chiro accupuncture
Attachments: 13-3340_1.pdf; Acupuncture cospon memo.docx

From: Kovach, Robert
Sent: Thursday, December 12, 2013 10:35 AM
To: LRB.Legal
Subject: FW: chiro accupuncture

Please draft a Senate version of this bill for Senator Lasee. Can you also have it immediately jacketed for Senate?

Thank you!

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Zikmund, Alison
Sent: Thursday, December 12, 2013 10:31 AM
To: Kovach, Robert
Subject: chiro accupuncture

Rob,
Thanks again to Sen Lasee for working with us on this bill. Here is the draft and cosponsorship memo.

Alison Zikmund
Office of Rep. Chad Weininger
(608) 266-1184



12/12

Now

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-8340/1
MPG:eev:ev

* Please Sack + *

2013 BILL

3828/1

Companion RMR
No Changes

regen

- 1 AN ACT *to amend* 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023 and 446.04 (6) of the statutes; **relating to:** chiropractor
4 registration to practice acupuncture.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
4. Pays a one-time registration fee of \$100.

BILL

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.08 (2) (a) 24a. of the statutes is created to read:

2 440.08 (2) (a) 24a. Chiropractor registration to practice acupuncture:
3 December 15 of each even-numbered year.

4 **SECTION 2.** 446.01 (1a) of the statutes is created to read:

5 446.01 (1a) “Acupuncture” has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 (1b) “Acupuncturist” has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

17 **446.023 Chiropractor registration to practice acupuncture. (1)**

18 **DEFINITION.** In this section, “licensed chiropractor” means a person who is licensed
19 by the examining board to engage in the practice of chiropractic.

BILL

1 **(2) REGISTRATION REQUIRED.** (a) Except as provided under par. (b), no licensed
2 chiropractor may practice acupuncture unless he or she is registered by the
3 examining board under this section.

4 (b) No registration is required under this section for any of the following:

5 1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

6 2. A licensed chiropractor who practices acupuncture as part of a supervised
7 course of study or residency program in acupuncture that is approved by the
8 examining board.

9 (c) The examining board shall register a licensed chiropractor under this
10 section who does all of the following:

11 1. Submits an application for registration to the examining board on a form
12 provided by the examining board.

13 2. Submits evidence satisfactory to the examining board that the licensed
14 chiropractor has completed at least 100 hours of instruction in acupuncture at a
15 college of chiropractic approved by the examining board or at a college or university
16 accredited by an accrediting agency that is recognized by the secretary of the federal
17 department of education.

18 3. Successfully completes the acupuncture examination administered by the
19 National Board of Chiropractic Examiners.

20 4. Pays a registration fee of \$100.

21 **(3) REGISTRATION RENEWAL.** (a) The renewal date for a registration under this
22 section is specified under s. 440.08 (2) (a). There is no renewal fee.

23 (b) A licensed chiropractor registered under this section shall, at the time that
24 he or she applies for renewal of a registration under par. (a), submit evidence
25 satisfactory to the examining board that he or she has completed at least 2 hours

BILL**SECTION 5**

1 annually of continuing education in an acupuncture-related program approved by
2 the examining board under s. 446.028.

3 **SECTION 6.** 446.03 (intro.) of the statutes is amended to read:

4 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
5 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
6 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
7 certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant
8 does any of the following:

9 **SECTION 7.** 446.03 (1) of the statutes is amended to read:

10 446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through
11 error or fraud.

12 **SECTION 8.** 446.04 (2) of the statutes is amended to read:

13 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
14 issued under s. 446.023, to anyone.

15 **SECTION 9.** 446.04 (4) of the statutes is amended to read:

16 446.04 (4) Splitting or dividing any fee for chiropractic service with any person
17 except an associate licensed chiropractor, or, for an acupuncture service, an
18 acupuncturist certified under ch. 451.

19 **SECTION 10.** 446.04 (6) of the statutes is created to read:

20 446.04 (6) Use of unsanitary or unsafe acupuncture equipment.

21 **SECTION 11.** 446.05 (1) of the statutes is amended to read:

22 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
23 board may make investigations and conduct hearings in regard to the conduct of any
24 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or

BILL

1 446.03. The person complained against may proceed to review any action of the
2 examining board under ch. 227.

3 **SECTION 12.** 451.02 (1) of the statutes is amended to read:

4 451.02 (1) An individual holding a license, permit, registration, or certificate
5 under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that
6 is also included within the scope of his or her license, permit, registration, or
7 certificate.

8 **SECTION 13. Effective date.**

9 (1) This act takes effect on the first day of the 7th month beginning after
10 publication.

11 **(END)**

Basford, Sarah

From: Kovach, Robert
Sent: Thursday, December 12, 2013 11:11 AM
To: LRB.Legal
Subject: Draft Review: LRB -3828/1 Topic: Acupuncture certificate for chiropractors

Please Jacket LRB -3828/1 for the SENATE.



1/10 Today Thanks
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3903/P2
MPG:eev:jm

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3828/2

No changes.

regen

1 AN ACT *to amend* 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023, 446.04 (6) and 632.87 (3) (d) of the statutes; **relating to:**
4 chiropractor registration to practice acupuncture, fee-splitting with a
5 nonchiropractor acupuncturist, and requiring the exercise of rule-making
6 authority.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

4. Pays a one-time registration fee of \$100.

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

Also under current law, a licensed chiropractor may not split a fee for a chiropractic service with another person unless that person is also a licensed chiropractor. The bill authorizes a chiropractor to split a fee for a chiropractic service with an acupuncturist certified by DSPS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.08 (2) (a) 24a. of the statutes is created to read:

2 440.08 (2) (a) 24a. Chiropractor registration to practice acupuncture:
3 December 15 of each even-numbered year.

4 **SECTION 2.** 446.01 (1a) of the statutes is created to read:

5 446.01 (1a) “Acupuncture” has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 (1b) “Acupuncturist” has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

446.023 Chiropractor registration to practice acupuncture. (1)

DEFINITION. In this section, “licensed chiropractor” means a person who is licensed by the examining board to engage in the practice of chiropractic.

(2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed chiropractor may practice acupuncture unless he or she is registered by the examining board under this section.

(b) No registration is required under this section for any of the following:

1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

2. A licensed chiropractor who practices acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the examining board.

(c) The examining board shall register a licensed chiropractor under this section who does all of the following:

1. Submits an application for registration to the examining board on a form provided by the examining board.

2. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the examining board or at a college or university accredited by an accrediting agency that is recognized by the secretary of the federal department of education.

3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

4. Pays a registration fee of \$100.

(3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this section is specified under s. 440.08 (2) (a). There is no renewal fee.

1 (b) A licensed chiropractor registered under this section shall, at the time that
2 he or she applies for renewal of a registration under par. (a), submit evidence
3 satisfactory to the examining board that he or she has completed at least 2 hours
4 annually of continuing education in an acupuncture-related program approved by
5 the examining board under s. 446.028.

6 (4) RULES. The examining board shall promulgate rules to implement this
7 section. The rules promulgated under this subsection shall incorporate the rules of
8 the department promulgated under s. 451.12.

9 SECTION 6. 446.03 (intro.) of the statutes is amended to read:

10 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
11 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
12 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
13 certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant
14 does any of the following:

15 SECTION 7. 446.03 (1) of the statutes is amended to read:

16 446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through
17 error or fraud.

18 SECTION 8. 446.04 (2) of the statutes is amended to read:

19 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
20 issued under s. 446.023, to anyone.

21 SECTION 9. 446.04 (4) of the statutes is amended to read:

22 446.04 (4) Splitting or dividing any fee for chiropractic service with any person
23 except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

24 SECTION 10. 446.04 (6) of the statutes is created to read:

446.04 (6) Use of unsanitary or unsafe acupuncture equipment, contrary to the rules promulgated under s. 446.023 (4).

SECTION 11. 446.05 (1) of the statutes is amended to read:

446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the conduct of any licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

SECTION 12. 451.02 (1) of the statutes is amended to read:

451.02 (1) An individual holding a license, permit, registration, or certificate under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that is also included within the scope of his or her license, permit, registration, or certificate.

SECTION 13. 632.87 (3) (d) of the statutes is created to read:

632.87 (3) (d) Paragraphs (a) and (b) do not apply to a licensed chiropractor's practice of acupuncture within the scope of a registration issued under s. 446.023.

SECTION 14. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

Gallagher, Michael

From: Kovach, Robert
Sent: Monday, January 27, 2014 2:28 PM
To: Zikmund, Alison; Gallagher, Michael
Subject: FW: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Let's make this happen!

Mike can you re-jacket 3903 with the p2 language for us? Thanks!

Thank you for all of the work you put into P3, but it was a problem for the insurers. The way you did P2 was just what was needed.

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: THOMAS MOORE [<mailto:temoore@tmga.us>]
Sent: Monday, January 27, 2014 2:23 PM
To: Kovach, Robert
Subject: Re: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Rob:

Ok - WCA can support P2.

Can you have it introduced?

Thanks.

Tom

On Jan 27, 2014, at 11:49 AM, Kovach, Robert <Robert.Kovach@legis.wisconsin.gov> wrote:

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Gallagher, Michael
Sent: Friday, January 10, 2014 7:38 AM
To: Kovach, Robert
Subject: FW: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Rob: Thanks for stopping by yesterday afternoon. I was actually on my way out. You mentioned bringing a jacket back. Do you want me to take this to a /1, and dump the old jacket, or do you want me to redraft the earlier jacketed draft (3828/1), which would take that one to a /2?

Thanks.

Mike

Mike Gallagher
Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: LRB.Legal
Sent: Thursday, January 09, 2014 3:33 PM
To: Gallagher, Michael
Subject: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Draft Requester: Sen. Frank Lasee

Following is the PDF version of draft LRB -3903/P2.

<13-3903_P2.pdf>



2013 BILL

D-Note

13

1 AN ACT ^{regen} *to amend* 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023, 446.04 (6) and 632.87 (3) (d) of the statutes; **relating to:**
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BILL

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5 446.01 (1a) “Acupuncture” has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 (1b) “Acupuncturist” has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

BILL**446.023 Chiropractor registration to practice acupuncture. (1)**

DEFINITION. In this section, “licensed chiropractor” means a person who is licensed by the examining board to engage in the practice of chiropractic.

(2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed chiropractor may practice acupuncture unless he or she is registered by the examining board under this section.

(b) No registration is required under this section for any of the following:

1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

2. A licensed chiropractor who practices acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the examining board.

(c) The examining board shall register a licensed chiropractor under this section who does all of the following:

1. Submits an application for registration to the examining board on a form provided by the examining board.

2. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the examining board or at a college or university accredited by an accrediting agency that is recognized by the secretary of the federal department of education.

3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

4. Pays a registration fee of \$100.

(3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this section is specified under s. 440.08 (2) (a). There is no renewal fee.

BILL**SECTION 5**

(b) A licensed chiropractor registered under this section shall, at the time that he or she applies for renewal of a registration under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 2 hours annually of continuing education in an acupuncture-related program approved by the examining board under s. 446.028.

(4) RULES. The examining board shall promulgate rules to implement this section. The rules promulgated under this subsection shall incorporate the rules of the department promulgated under s. 451.12.

SECTION 6. 446.03 (intro.) of the statutes is amended to read:

446.03 Reprimand; revocation, limitation, or suspension of a license or certificate. (intro.) The examining board, by order, may reprimand a licensee, certificate holder, or registrant and may deny, limit, suspend or revoke any license, certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant does any of the following:

SECTION 7. 446.03 (1) of the statutes is amended to read:

446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through error or fraud.

SECTION 8. 446.04 (2) of the statutes is amended to read:

446.04 (2) Loaning of a chiropractic license or certificate, or of a registration issued under s. 446.023, to anyone.

SECTION 9. 446.04 (4) of the statutes is amended to read:

446.04 (4) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

SECTION 10. 446.04 (6) of the statutes is created to read:

BILL

446.04 (6) Use of unsanitary or unsafe acupuncture equipment, contrary to the rules promulgated under s. 446.023 (4).

SECTION 11. 446.05 (1) of the statutes is amended to read:

446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the conduct of any licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

SECTION 12. 451.02 (1) of the statutes is amended to read:

451.02 (1) An individual holding a license, permit, registration, or certificate under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that is also included within the scope of his or her license, permit, registration, or certificate.

SECTION 13. 632.87 (3) (d) of the statutes is created to read:

632.87 **(3)** (d) Paragraphs (a) and (b) do not apply to a licensed chiropractor's practice of acupuncture within the scope of a registration issued under s. 446.023.

SECTION 14. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3828/3dn
MPG:eev:jm

date

Rob Kovach:

2013
This draft is identical to LRB-3903/P2, except that this draft contains a technical change to the relating clause.

Please let me know if you have any questions.

Thank you.

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**DRAFTER'S NOTE
FROM THE
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LRB-3828/3dn
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January 28, 2014

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